

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RONALD DAVIDSON,

Plaintiffs,

22-CV-8936 (PGG) (VF)

-against-

ORDER

OFFICE OF COURT ADMINISTRATION;
LAWRENCE MARKS; ALIA RAZZAQ;
TRACEY FERDINAND; JOHN SULLIVAN;
JOHN DOE; and DENIS KEHOE,

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge

On October 20, 2022, Plaintiff filed a motion requesting “Interactive Process for Determining Accommodations and Modifications of Procedure for Plaintiff with Disabilities.” See ECF No. 4. On June 5, 2023, the Court held a conference to discuss Plaintiffs’ motion. As discussed at the conference, the Court is amenable to providing Plaintiff with reasonable accommodations during the pendency of the case. As the Court explained at the conference, the Court is amenable to providing Plaintiff with reasonable accommodations for his disability during the pendency of the case. When Plaintiff needs such an accommodation, Plaintiff should reach out to the Court and the Court will do its best to accommodate Plaintiff’s disability. **The Court therefore considers the issues raised by Plaintiff in the motion resolved, and the Clerk of Court is respectfully directed to terminate the motion at ECF No. 4.**

At the conference, Plaintiff also moved, pursuant to Federal Rule of Civil Procedure 15, for leave to file an amended complaint. The Federal Rules of Civil Procedure instruct that a court shall “freely” grant leave to replead “when justice so requires.” Fed. R. Civ. P. 15(a); J.S. Serv. Ctr. Corp. v. Gen. Elec. Tech. Servs. Co., 937 F. Supp. 216, 225 (S.D.N.Y. 1996) (citing Foman

v. Davis, 371 U.S. 178, 182 (1962)). Indeed, “[p]rior to trial, leave to file an amended complaint ‘shall be freely given’ in the absence of factors such as ‘undue delay, bad faith, or dilatory motive, . . . repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [or] futility of amendment.” Hinds Cnty., Miss. v. Wachovia Bank N.A., 291 F.R.D. 73, 74 (S.D.N.Y. 2013) (quoting Foman, 371 U.S. at 182); see also Milanese v. Rust-Oleum Corp., 244 F.3d 104, 110 (2d Cir. 2001). Here, the case is in the early stages, Defendants have not yet filed an answer or moved to dismiss the Complaint, and Plaintiff is proceeding *pro se*. **Therefore, the Court grants Plaintiff leave to file an amended complaint.** Plaintiff is reminded that he can include any new defendants that he has identified since he filed his initial complaint in the amended complaint. Plaintiff can also include any medical records that would support his claim exhibits to his amended complaint. If Plaintiff wishes to file such medical records under seal, he should submit a request to the Court in a separate letter. At the conference, Plaintiff requested two (2) weeks to file his amended complaint. However, the Court is preemptively extending that time to allow the Clerk of court time to find *pro bono* counsel for Plaintiff as discussed below.

Therefore, Plaintiff shall file his amended complaint on or before July 7, 2023. Defendants shall file their response no later than 45 days after the amended complaint is filed.

As discussed at the conference, the Court believes that Plaintiff would benefit from the appointment of *pro bono* counsel. Therefore, the Court will enter a separate order directing that the Clerk of Court to seek *pro bono* counsel for Plaintiff for a limited appearance for the purpose of assisting Plaintiff with filing an amended complaint and opposing Defendants’ anticipated motion to dismiss. The process by which the Clerk of Court seeks *pro bono* counsel is one which may take some time. In the interim, Plaintiff may consider contacting the New York Legal Assistance Group’s

(“NYLAG”) Clinic for Pro Se Litigants in the Southern District of New York, which is a free legal clinic staffed by attorneys and paralegals to assist those who are representing themselves in civil lawsuits in this Court. The clinic is run by a private organization; it is not part of, or run by, the Court. It cannot accept filings on behalf of the Court, which must still be made by any pro se party through the Pro Se Intake Unit. A copy of the flyer with details of the clinic is attached to this order.

Finally, as discussed at the conference, the Court will request a copy of the transcript of the June 5, 2023 conference, The transcript will be uploaded to the docket and emailed directly to Plaintiff.

SO ORDERED.

DATED: New York, New York
 June 5, 2023



VALERIE FIGUEREDO
United States Magistrate Judge

Free Legal Assistance for Self-Represented Civil Litigants in Federal District Court for the Southern District Of New York

The NYLAG Legal Clinic for Pro Se Litigants in the Southern District of New York is a free legal clinic staffed by attorneys, law students and paralegals to assist those who are representing themselves or planning to represent themselves in civil lawsuits in the Southern District of New York. The clinic does not provide full representation. The clinic, which is not part of or run by the court, assists litigants with federal civil cases including cases involving civil rights, employment discrimination, labor law, social security benefits, foreclosure and tax.

To Contact the Clinic:

Call (212) 659-6190 or complete our online intake form (found here: <https://tinyurl.com/NYLAG-ProSe-OI>). A staff member will contact you within a few business days.

Those looking for assistance can also contact the clinic at the kiosk located across the hall from the pro se clinic office in the courthouse.

At this time, the clinic offers remote consultations only. Requests for in-person appointments will be reviewed on a case-to-case basis.

Location and Hours:

Thurgood Marshall United States Courthouse

Room LL22
 40 Foley Square
 New York, NY 10007
 (212) 659 6190

Open weekdays
 10 a.m. – 4 p.m.
 Closed on federal and court holidays

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